

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

RYDER WINEGAR,

Petitioner,

v.

AMY BONCHER,

Respondent.

**Civil Action No.
22-11632-FDS**

ORDER OF DISMISSAL

SAYLOR, C.J.

This is a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 filed by an individual in federal custody. At the time of the filing, petitioner Ryder Winegar was in custody at Federal Medical Center-Devens in Ayer, Massachusetts. Winegar alleged that his continued custody at Devens violated provisions of the First Step Act (“FSA”), 18 U.S.C. §§ 3631-35, and the Second Chance Act, 18 U.S.C. § 3624. Specifically, he alleged that the Federal Bureau of Prisons (“BOP”) did not apply earned-time credits for participation in recidivism-reduction programming, and therefore failed to consider him for release to a reentry facility on the appropriate date. On January 13, 2023, pursuant to the Court’s order, petitioner was released from detention. He is now serving a term of supervised release. Because petitioner’s release from incarceration renders the petition moot, it will be dismissed.

I. Legal Standard

“The doctrine of mootness enforces the mandate ‘that an actual controversy must be extant at all stages of the review, not merely at the time the complaint is filed.’” *American Civ. Liberties Union of Mass. v. U.S. Conference of Catholic Bishops*, 705 F.3d 44, 52 (1st Cir. 2013)

(quoting *Mangual v. Rotger-Sabat*, 317 F.3d 45, 60 (1st Cir. 2003)). “Simply stated, a case is moot when the issues presented are no longer ‘live’ or the parties lack a legally cognizable interest in the outcome.” *Id.* (quoting *D.H.L. Assocs. v. O’Gorman*, 199 F.3d 50, 54 (1st Cir. 1999)). “A party can have no legally cognizable interest in the outcome of a case if the court is not capable of providing any relief which will redress the alleged injury.” *Gulf of Maine Fisherman’s All. v. Daley*, 292 F.3d 84, 88 (1st Cir. 2002).

II. Analysis

Although “an individual serving a supervised release term satisfies the ‘in custody’ requirement,” for a habeas petition under 28 U.S.C. § 2241, the petition “must still target conditions that will have a contemporaneous or prospective impact on one’s sentence.” *Francis v. Maloney*, 798 F.3d 33, 37 (1st Cir. 2015). Here, even if petitioner’s earned-time credits were miscalculated, the BOP could only have ever applied them to the time period prior to his transfer to supervised release; they cannot now be applied to shorten that imposed term. *See Gelagotis v. Boncher*, 2023 WL 6377874, at *4 (D. Mass. Sept. 29, 2023); *Atwood v. FCI Berlin Warden*, 2023 WL 2308531, at *1 (D.N.H. Jan. 19, 2023), *adopted*, 2023 WL 2302863 (D.N.H. Mar. 1, 2023); *Gonzalez v. Pierre-Mike*, 2023 WL 5984522, at *4-5 (D. Mass. Sept. 14, 2023) (citing cases deciding whether earned-time credits could be applied to terms of supervised release). This court equally cannot retroactively apply any credits to shorten the term of supervise release. *Francis*, 798 F.3d at 38-39 (discussing *United States v. Johnson*, 529 U.S. 53, 55-59 (2000)).

Accordingly, because this court cannot grant petitioner’s requested relief, his petition is moot and must be dismissed.

III. Conclusion

For the foregoing reasons, the petition for a writ of habeas corpus as to Ryder Winegar is hereby DISMISSED as moot.

So Ordered.

Dated: October 30, 2023

/s/ F. Dennis Saylor IV
F. Dennis Saylor IV
Chief Judge, United States District Court